

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

**MATTHEW FARR,**

Plaintiff,

v.

**THE UNITED STATES OF  
AMERICA,**

Defendant.

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**Case No. 5:21-cv-123**

**Judge**

**COMPLAINT**

Now comes Plaintiff, MATTHEW FARR (“Plaintiff”), and for his Complaint against the UNITED STATES OF AMERICA, alleges as follows:

**INTRODUCTION**

1. This is an action, under 18 U.S.C. § 925(A)(2), seeking an order to compel the Federal Bureau of Investigation (“FBI”) to approve a firearm transfer to Plaintiff that was wrongly denied, and a declaration that Plaintiff is not federally prohibited from possessing firearms.

**PARTIES**

2. Plaintiff is an individual who is a citizen/resident of the State of North Carolina. Plaintiff is domiciled in Wake County.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over the lawsuit because the action arises under 28 U.S.C. § 1331, 28 U.S.C. § 1343(a)(4), 28 U.S.C. § 1361, and 18 U.S.C. § 925A.
4. As the UNITED STATES is the Defendant in this action, this Court also has jurisdiction pursuant to 28 U.S.C. § 1346(a)(2).
5. Venue for this action is properly in this District pursuant to 28 U.S.C. § 1402(a)(1).

### **STATEMENT OF THE FACTS**

6. Plaintiff was born in 1987 in Sarasota, Florida, and presently lives and resides in Raleigh, North Carolina.
7. Plaintiff is not prohibited under federal law from owning, using, transporting, or possessing firearms.
8. Plaintiff is not subject to any firearm restrictions pursuant to 18 U.S.C. 922(g) or (n).
9. Plaintiff is not prohibited under state law from owning, using, transporting, or possessing firearms.
10. On January 7, 2021, Plaintiff attempted to purchase a firearm from Oak Grove Technologies, LLC, (“Oak Grove”) a Federal Firearm Licensee, and fully completed the required ATF Form 4473.
11. Oak Grove performed a background check on Plaintiff through the National Instant Criminal Background Check System (“NICS”) which resulted in a “Denial”.
12. The NICS Transaction Number (“NTN”) for the denial was 101T8F47N.
13. Plaintiff desires to possess firearms but is in fear of arrest and prosecution.
14. Plaintiff is employed by Oak Grove of Raleigh, North Carolina.
15. Oak Grove maintains a federal firearms license.
16. Oak Grove employees regularly participate in shooting events as a method of professional development and marketing.
17. Oak Grove and Plaintiff’s colleagues are aware of Plaintiff’s NICS denial of a firearm transfer.
18. Plaintiff has suffered professional embarrassment due to the NICS denial.

**FIRST CLAIM – 18 U.S.C. § 925A**

19. Plaintiff hereby incorporates by reference paragraphs 1 through 18 as if the same were fully set forth herein.
20. Plaintiff was denied a firearm transfer as the result of a NICS check performed pursuant to 18 U.S.C. § 922(t).
21. Plaintiff is not prohibited from receipt of the firearm as he is not presently subject to a federal firearm disability pursuant to 18 U.S.C. § 922(g) or (n).
22. Plaintiff is not prohibited from receipt of the firearm as he is not presently subject to a state firearm disability.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that this Court will enter judgment as follows:

- A. Grant an order directing the NICS division to approve NTN 101T8F47N and to update their records to ensure Plaintiff is not improperly denied in the future,
- B. Declare that Plaintiff is not federally prohibited from possessing firearms,
- C. Declare that Plaintiff is not prohibited under state law from possessing firearms,
- D. Award Plaintiff his reasonable attorney fees and the costs of this action pursuant 18 U.S.C. § 925A, and
- E. Grant such other and further relief as this Court deems to be just and proper.

March 12, 2021

Respectfully submitted,

/s/ F. Hill Allen

F. Hill Allen

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By Notice of Special Appearance